

### **IN THE DRAWINGS**

Enclosed are Figures 1 to 9 (2 sets) changing the informal drawings to formal drawings. See attached.

### REMARKS/ARGUMENTS

Dependent Claims 16, 19 and 24 have been amended to overcome the 35 U.S.C. 112 rejections by the Examiner with regard to Dependent Claims 21, 24 and 29, as these Claims lacked an antecedent basis.

The Examiner states the specification fails to comply with the enablement requirement and does not detail the following elements of the specification:

- a) how the driver's head is determined to be moving so that the second moving sensor beam would move a predetermined distance;
- b) how the sensor is programmed to move a predetermined distance; and
- c) how the second moving sensor beam activates the first or third stationary beam detectors.

Please note that Claim 32 has been amended to delete the recitation of "programmed to move a predetermined distance," so that the specification is not required to support this claim language.

In response to item a), the Applicant's specification states that as the user's head 12 moves in a forward direction  $M_F$  the second moving sensor beam 429 moves and follows the movement of the user's head 12 in that forward direction  $M_F$  until the second moving sensor beam 429 intercepts the first stationary beam 427 of first electronic eye 426 and then activates the alarm member 436 to produce an alarm sound  $S_A$  in the user's ear 13 in order to awake the driver 11. Similarly, as the user's head 12 moves in a rearward direction  $M_R$

the second moving sensor beam 429 moves and follows the movement of the user's head 12 in that rearward direction  $M_R$  until the second moving sensor beam 429 intercepts the third stationary beam 431 of third electronic eye 430 and then activates the alarm member 436 to produce an alarm sound  $S_A$  in the user's ear 13 in order to awake the driver 11. The aforementioned operation is also shown in Figures 8 and 9 of Applicant's patent drawings, and it is described on page 15, lines 7 through 20, and on page 18, lines 4 through 17 of the specification.

In response to item b), the Applicant's specification states that the second **moving** electronic eye 428 produces a second moving sensor beam 429 which moves in a forward or rearward direction (movement  $M_F$  or  $M_R$ ) as the driver's head 12 moves due to a dozing or sleeping state when driver 11 is in a driving mode. The above is described on page 14, lines 11 through 17, of the specification, and is shown in Figure 8 of the applicant's drawings.

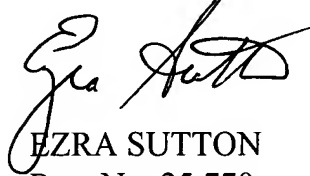
As to item c), applicant's specification states that as the user's head 12 moves in a forward  $M_F$  or rearward  $M_R$  direction, the **second moving sensor beam 429** moves and follows the movement of the user's head 12 in either direction. When the user's head 12 moves forward  $M_F$  the second moving sensor beam 429 eventually intersects the first stationary sensor beam 427, such that the first sensor beam detector 432 of first electronic eye 426 activates the alarm member 436 to produce an alarm sound  $S_A$  in the user's ear 13 in order to awake the driver 11. Similarly, when the user's head 12 moves rearward  $M_R$  the second moving sensor beam 429 eventually intersects the third stationary sensor beam 431,

such that the third sensor beam detector 434 of third electronic eye 430 activates the alarm member 436 to produce the alarm sound  $S_A$  in the user's ear 13 in order to awake the driver 11. Again, the aforementioned is described in the specification on page 15, lines 7 through 20, and on page 18, lines 4 through 17, and is shown in Figures 8 and 9 of the drawings. It is understood that the second **moving** electronic eye 428 is movable within housing member 422, such that the second moving sensor beam 429 follows an imaginary fixed point on the user's head 12, as shown in Figure 8 of the drawings.

## CONCLUSION

The substance of Claims 1 to 31 have been found to be allowable. The remaining Claims 16, 19, 21, 24, 29, 32, 39 and 41 have been amended to overcome the Examiners objections with regard to 35 U.S.C. 112. For these reasons, it is respectfully submitted that all of Applicants' Claims 1 through 41 are allowable and should be approved.

Respectfully submitted,



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